



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Atira Property Management  
and [tenant name suppressed to protect privacy]

## DECISION

Dispute Codes      CNC

This is an application filed by the Tenant to cancel a notice to end tenancy issued for cause.

The Tenant attended the hearing by conference call and gave undisputed testimony. The Landlord did not attend or submit any documentary evidence. The Tenant states that the notice of hearing package was personally served on the Landlord's Agent on July 11, 2013 at his rental building.

### Issue(s) to be Decided

Is the Tenant entitled to an order cancelling the notice to end tenancy?

### Background and Evidence

The 1 month notice to end tenancy for cause dated July 10, 2013 was served on the Tenant. The notice shows an effective date of September 1, 2013. The notice shows 1 reason for cause as:

- Tenant or a person permitted on the property by the tenant has seriously jeopardized the health or safety or lawful right of another occupant or the landlord.

The notice also shows a hand written notation, "\*\*Tenant has assaulted another tenant"

The Tenant dispute the Landlord's notice.

### Analysis

At 12 minutes past the start of the hearing the Tenant's Application to cancel the notice to end tenancy was granted. The Landlord failed to attend to defend or provide any details on the 1 month notice to end tenancy for cause dated July 10, 2013. The notice dated July 10, 2013 is set aside and the tenancy shall continue.

Conclusion

The Tenant's Application is granted.

The notice dated July 10, 2013 is set aside and the tenancy shall continue.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 15, 2013

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Residential Tenancy Branch

